

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Filed Against:

CASE NO.: PT-2001-3357

**RONALD SAMARO**

3343 Mirada Road  
Highland, CA 92346

Psychiatric Technician License No. PT 27375

**DEFAULT DECISION  
AND ORDER**

Respondent

Ronald Samaro ("Respondent") was served Accusation No. PT-2001-3357; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on August 22, 2008 at his address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau") has determined that Respondent has waived his rights to a hearing to contest the merits of the Accusation and that the Bureau will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Bureau makes the following findings of fact:

**FINDINGS OF FACT**

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Bureau's Executive Officer.

2. On March 13, 1991, the Bureau issued Psychiatric Technician License No. PT 27375 to Respondent. Said license expired on April 30, 2006 and has not been renewed.

3. Pursuant to Business and Professions Code sections 101.1(b) and 150, the Department of Consumer Affairs has succeeded to and is vested with all duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of the Bureau and its

1 executive officer; that the department is under the control of the Director of Consumer Affairs.

2 4. Pursuant to Business and Professions Code section 4520, the Bureau may  
3 discipline any licensed psychiatric technician for any reason provided in Article 3 of the Psychiatric  
4 Technician Law.

5 5. Pursuant to Business and Professions Code section 118(b), the expiration of a  
6 license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the  
7 period within which the license may be renewed, restored, reissued, or reinstated. Under Business  
8 and Professions Code section 4545, the Bureau may renew an expired license at any time within four  
9 (4) years after the expiration.

10 6. Respondent has subjected his license to discipline under Business and  
11 Professions Code sections 490 and 4521(f), in conjunction with California Code of Regulations, title  
12 16, section 2578, in that Respondent was convicted of crimes substantially related to the  
13 qualifications, functions or duties of a licensed psychiatric technician in that the acts evidence his  
14 present or potential unfitness to perform the functions authorized by his license in a manner  
15 consistent with the public health, safety, or welfare, as described in Accusation No. PT-2001-3357, a  
16 copy of which is attached as Exhibit "1" and incorporated by reference.

17 7. Respondent has subjected his license to discipline under Business and  
18 Professions Code section 4521(a), in that Respondent engaged in unprofessional conduct by failing  
19 to cooperate with the Bureau's investigation related to his conviction history, as described in  
20 Accusation No. PT-2001-3357.

#### 21 DETERMINATION OF ISSUES

22 Based on the foregoing Findings of Fact, Respondent has subjected his license to  
23 discipline under Business and Professions Code sections 490, 4521(a), 4521(f), and California Code  
24 of Regulations, title 16, section 2578.

#### 25 LOCATION OF RECORD

26 The record on which this Default Decision is based is located at the Sacramento  
27 office of the Bureau of Vocational Nursing and Psychiatric Technicians.

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**ORDER**

**WHEREFORE**, the Bureau of Vocational Nursing and Psychiatric Technicians makes the following order:

Psychiatric Technician License No. PT 27375 authorizing Respondent to act as a psychiatric technician is hereby revoked.

Respondent shall have the right to petition for reinstatement of the aforesaid license pursuant to the provision of section 4524(a)(1) of the Business and Professions Code.

Respondent shall not be deprived of making any further showing by way of mitigation; however, such showing must be made directly to the Bureau of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to the effective date of this Decision.

This Default Decision shall become effective on February 1, 2009.

Dated and signed December 12, 2008.



PATRICIA HARRIS  
Deputy Director, Board/Bureau Support  
Department of Consumer Affairs

Attachments: Exhibit "1", Accusation No. PT-2001-3357 and Declaration of Service

Exhibit "1"  
Accusation No. PT-2001-3357 and Declaration of Service

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of the State of California  
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8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. PT-2001-3357

12 RONALD SAMARO  
3343 Mirada Road  
13 Highland, CA 92346

**A C C U S A T I O N**

14 Psychiatric Technician License No. PT 27375

15 Respondent.  
16

17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
21 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about March 13, 1991, the Bureau of Vocational Nursing and  
23 Psychiatric Technicians (Bureau) issued Psychiatric Technician License No. PT 27375 to  
24 Respondent Ronald Samaro (Respondent). The Psychiatric Technician License expired on  
25 April 30, 2006, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Bureau under the authority of the following laws. All Section references are to the Business and Professions Code (Code) unless otherwise indicated.

## STATUTORY PROVISIONS

4. Code section 101.1, subdivision (b), states:

(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department.

5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Section 4545, the Bureau may renew an expired license at any time within four years after the expiration.

6. Code section 150 states: "The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs."

7. Code section 477 states:

As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

8. Section 490 provides, in pertinent part, that the Bureau may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of a licensed psychiatric technician.

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1           9.       Section 4520 provides, in pertinent part, that the Bureau may discipline  
2 any licensed psychiatric technician for any reason provided in Article 3 (commencing with  
3 section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4           10.      Section 4521 states, in pertinent part:

5           The board may suspend or revoke a license issued under this chapter [the  
6 Psychiatric Technicians Law (Code § 4500, et seq.)] for any of the following  
reasons:

7           (a)      Unprofessional conduct, which includes but is not limited to any of  
8 the following:

9           . . . .  
10          (f)      Conviction of any offense substantially related to the  
11 qualifications, functions, and duties of a psychiatric technician, in which event the  
12 record of the conviction shall be conclusive evidence of the conviction. The  
board may inquire into the circumstances surrounding the commission of the  
crime in order to fix the degree of discipline. . . .

### 13                           REGULATORY PROVISIONS

14          11.      California Code of Regulations, title 16, section 2578 states, in pertinent  
15 part:

16           For the purposes of denial, suspension, or revocation of a license pursuant  
17 to Division 1.5 (commencing with Section 475) of the Business and Professions  
18 Code, a crime or act shall be considered to be substantially related to the  
19 qualifications, functions or duties of a licensed psychiatric technician if to a  
substantial degree it evidences present or potential unfitness of a licensed  
psychiatric technician to perform the functions authorized by his license in a  
manner consistent with the public health, safety, or welfare. . . .

### 20                           COST RECOVERY

21          12.      Section 125.3 provides, in pertinent part, that the Bureau may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations  
23 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

### 25                           FIRST CAUSE FOR DISCIPLINE

#### 26                           (Conviction of Substantially Related Crimes)

27          13.      Respondent is subject to disciplinary action under sections 490 and 4521,  
28 subdivision (f), in conjunction with California Code of Regulations, title 16, section 2578, in that



1 Respondent was convicted of crimes substantially related to the qualifications, functions or  
2 duties of a licensed psychiatric technician in that the acts evidence his present or potential  
3 unfitness to perform the functions authorized by his license in a manner consistent with the  
4 public health, safety, or welfare. The convictions are as follows:

5           a.       On or about September 26, 2001, in the criminal proceeding entitled *The*  
6 *People of the State of California v. Ronald Samaro* in San Bernardino County Superior Court,  
7 San Bernardino Division, Case No. MSB052543, Respondent was convicted on his plea of *guilty*  
8 for violating Penal Code section 273.5(a) (inflicting corporal injury on spouse), a misdemeanor.  
9 The Court sentenced Respondent to 30 days in jail and ordered him to attend an anger  
10 management program, with proof of completion to be filed with the court on or about  
11 December 15, 2002. Respondent failed to appear for jail time, and failed to file proof of  
12 completion. On August 1, 2006, the Court declared the Respondent a fugitive, and ordered the  
13 issuance of a no bail warrant.

14           b.       The circumstances of the conviction are that on or about August 31, 2000,  
15 San Bernardino County Sheriff officers arrested Respondent after responding to a complaint from  
16 his wife that he had struck her three or four times on the back of the head and witnessed him hit  
17 her child. Respondent admitted to the officers that he did hit his wife with his closed fist.

18           c.       On or about February 2, 1999, in a criminal proceeding entitled *The*  
19 *People of the State of California v. Ronald Samaro* in San Diego County Superior Court, North  
20 County Judicial District, in Case No. CV090346, through amendment by interlineation,  
21 Respondent was convicted on his plea of *guilty* for violating Vehicle Code section 12500(a)  
22 (driving a motor vehicle without a license), a misdemeanor. The Court ordered Respondent to  
23 pay fines and penalties and placed him on three (3) years probation.

24           d.       The circumstances of the conviction are that on or about November 26,  
25 1998, California Highway Patrol - Vista officers performed a routine traffic stop on Respondent  
26 for driving his vehicle in an illegal motion, moving between lanes. Respondent was issued  
27 Traffic Citation No. JS05291 for violating Vehicle Code section 14601.1(a) (driving with a  
28 suspended license), an infraction.



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